IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3363 OF 2005.

Lalit Pukhraj Khanter alias Jain. ... Plaintiff.

Versus.

Suresh P.Khanter alias Jain & others. ... Defendants.

Shri G.B.Kedia for the Plaintiff.

Ms.Deepa Chavan i/by Shri K.J.Bhatia Shri for the Defendants Nos.1 and 2.

CORAM : ABHAY S.OKA, J.

DATED : 1st October, 2007.

P.C.:

1. The learned Counsel appearing for the parties have tendered on record consent terms duly signed by the Plaintiff and the 1st and 2nd Defendants. The consent terms are also signed by the Advocates on record for the Plaintiff and the 1st and 2nd Defendants. Consent terms are taken on record and marked "X" for identification. The Advocate for the Plaintiff states that notice has been duly served to the 3rd to 6th Defendants and affidavit of service has been filed. He pointed out that none of the said Defendants have chosen to appear before this Court.

2. The learned Counsel appearing for the parties state that the Plaintiffs and the 1st and 2nd Defendants are personally present in this Court and they accept the correctness of the terms incorporated in the consent terms.

3. The learned Counsel appearing for the parties state that the undertakings by the parties incorporated in the consent terms be accepted and decree be passed between the Plaintiff and the 1st and 2nd Defendant in terms of the consent terms. The learned Counsel for the Plaintiff states that in view of the consent terms, he is not pressing the suit as against Defendants Nos.3 to 6. In view of the said statement, suit stands dismissed for non-prosecution as against Defendants Nos.3 to 6.

4. The undertakings of the parties incorporated in the consent terms are accepted.

5. There will be a decree in terms of consent terms filed by the Plaintiff and the 1st and 2nd Defendants.

6. The Plaintiff will be entitled to refund of Court fees as per the rules.

7. Certified copy is expedited.

8. The parties are permitted to file properly typed copies of the consent terms duly signed by the parties.

Judge.